

AMENDED IN SENATE JUNE 20, 2002
AMENDED IN ASSEMBLY MAY 13, 2002
AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Matthews

February 15, 2002

An act to add Section 4306.6 to the Business and Professions Code, relating to pharmacists.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Matthews. Pharmacists: disciplinary actions.

Existing law, the Pharmacy Law, requires each pharmacy to designate a pharmacist-in-charge who is responsible for the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy. The law makes a pharmacist subject to disciplinary action by the California State Board of Pharmacy for the commission of unprofessional conduct, which may include an act or omission that arises in the course of the pharmacist's practice or in his or her ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

This bill would require the board in a disciplinary action against a pharmacist-in-charge for the violation by another person of a state or federal law or regulation pertaining to the practice of pharmacy, to ~~consider~~ *use a report made by the pharmacist-in-charge of the violation or suspected violation* as a mitigating factor, if specified conditions are

met, the reporting by the pharmacist-in-charge of the violation, or suspected violation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4306.6 is added to the Business and
2 Professions Code, to read:

3 4306.6. If the board disciplines a pharmacist-in-charge for the
4 violation of a state or federal law or regulation committed by
5 another person and the pharmacist-in-charge reported to the board
6 that violation or suspected violation, the board shall ~~consider the~~
7 ~~report a mitigating factor in the disciplinary action against the~~
8 ~~pharmacist-in-charge if all of the following conditions are met:~~
9 *use the report as a mitigating factor if all of the following*
10 *conditions are met:*

11 (a) The pharmacist-in-charge did not engage, either directly or
12 indirectly, in any conduct that violated any state or federal law or
13 regulation pertaining to the practice of pharmacy.

14 ~~(b) The pharmacist-in-charge did not approve of, either~~
15 ~~explicitly or tacitly, any conduct committed by another person that~~
16 ~~violated any state or federal law or regulation pertaining to the~~
17 ~~practice of pharmacy.~~

18 ~~(c) The pharmacist-in-charge did not permit or encourage~~
19 ~~through either willful ignorance or neglect any conduct committed~~
20 ~~by another person that violated any state or federal law or~~
21 ~~regulation pertaining to the practice of pharmacy.~~

22 ~~(d)~~

23 *(b) The pharmacist-in-charge did not permit, encourage,*
24 *approve of, either tacitly or implicitly or through willful*
25 *ignorance, any conduct committed by another person that violated*
26 *state or federal law or regulation pertaining to the practice of*
27 *pharmacy.*

28 (c) The pharmacist-in-charge reported the violation, or
29 suspected violation, of any state or federal law or regulation
30 pertaining to the practice of pharmacy to the board as soon as
31 reasonably possible following the discovery of the violation.

32 ~~(e)~~

1 (*d*) The pharmacist-in-charge took all actions reasonably
2 necessary to stop and remedy the violation, or suspected violation,
3 of any state or federal law or regulation pertaining to the practice
4 of pharmacy as soon as reasonably possible following the
5 discovery of the violation.

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